

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Court File No. _____

Minnesota Voters Alliance, Republican Party of Minnesota, Dan McGrath, Tony W. Ward, Thomas Polachek, and Robert McDonald, on behalf of themselves and all others similarly situated,

Petitioners,

**PETITION FOR A
WRIT OF MANDAMUS**

vs.

County of Ramsey, Minnesota, its Board of Commissioners, and its County Auditor, Christopher A. Samuel, or their successors,

Respondents.

TABLE OF CONTENTS

INTRODUCTION 1

JURISDICTION..... 3

PARTIES..... 3

 Petitioner Minnesota Voters Alliance..... 3

 Petitioner Republican Party of Minnesota..... 3

 Petitioner Dan McGrath, Ramsey County Commissioner Candidate 4

 Petitioners, Tony Ward, Thomas Polachek, and Robert McDonald 5

 Respondent County of Ramsey Board of Commissioners..... 6

 Respondent Ramsey County Auditor, Christopher A. Samuel..... 6

Attached documents relevant to the Petition identified as Exhibits 1 and 2. 6

FACTUAL BACKGROUND 7

I.	Minnesota voters may cast a vote by absentee ballot.	7
II.	The Ramsey County Board of Commissioners establishes the ballot board for absentee ballots.....	7
III.	Election judges must be on the ballot board.	8
IV.	Section 204B.19 allows for any eligible voter to be appointed an election judge provided other qualifications are met.	9
V.	Only statutorily qualified deputy county auditors may serve on the county ballot board.....	11
VI.	Specific statutory mandates govern accepting or rejecting absentee ballots.....	14
	Party partisan election judges perform the duties of accepting or rejecting absentee ballots since the Legislature requires party balance for those decisions which excludes all county officials and staff.	14
VII.	When the Legislature provides for an exception to the law, it expressly states the exception.....	19
	Only in a few instances has the Legislature expressly excused party balance for election judge duties.....	19
VIII.	The Ramsey County Board of Commissioners failed to appoint election judges to the ballot board.....	21
IX.	The County Auditor allows staff, either temporary or permanent employees, to perform duties specifically delegated to election judges of different major political parties under § 203B.121, subdivision 2.	22
	Claim for a Writ of Mandamus Ruling.....	33
	Relief Requested	38

INTRODUCTION

The Respondents County of Ramsey, its Board of Commissioners, and its County Auditor, Christopher A. Samuel, or their successors, have failed to comply with legislative statutory mandates regarding ballot board election judges. Ignoring specific legislative mandates for party balance of election judges and using County Auditor staff to accept or reject absentee ballots, Ramsey County governmental officials have acted contrary to the Legislature's express public policy demanding party balance for election judges in performing their expressed statutory duties. The County's actions must be compelled to comply with their mandatory statutory duties.

The Petitioners Minnesota Voters Alliance, Republican Party of Minnesota, Dan McGrath, Tony A. Ward, Thomas Polachek, and Robert McDonald petition this Court for a writ of mandamus, under Minnesota Statutes §§ 586.01, et. seq. The writ is sought to compel the Ramsey County Board of Commissioners and the County Auditor to comply with the governing provisions of Minnesota Statutes § 203B.121, subdivisions 1 and 2 and § 204B.21, subdivision 2 for the County's ballot board. In this regard, the County Board of Commissioners, as a matter of policy for the November 2020 general election, has failed to act as the appointing authority as to its mandatory statutory duties:

- to appoint election judges to the Ramsey County ballot board; Minn. Stat. § 203B.121, subd. 1;
- to exhaust all major political party lists regarding appointments to the Ramsey County ballot board; Minn. Stat. § 204B.21, subd. 2;
- to obtain from the County Auditor, from any individual to be considered as an appointment to the ballot board as an election judge,

a statement of their major party affiliation or a statement of non-major party affiliation; Minn. Stat. § 204B.21, subd. 2.

The County Auditor, as a matter of policy for the November 2020 general election, failed to act in accordance with the mandates of § 203B.121 that expressly provides for ballot board election judge duties. Here, the County Auditor failed to act as to his mandatory statutory duties:

- to ensure that election judges who accept or reject absentee ballots are from different major political parties; Minn. Stat. § 203B.121, subdivision 2;
- to obtain from each individual, before their appointment as an election judge to the ballot board, a statement of their major party affiliation or a statement of non-party affiliation; Minn. Stat. § 204B.21;
- to exclude from serving on the ballot board any individual who fails to provide a statement of their major party affiliation or a statement of non-party affiliation as an election judge; Minn. Stat. § 204B.21;
- to prohibit either temporary, part-time, or permanent County Auditor's Office staff from serving as ballot board members wherein governing statutes for ballot boards mandate that only ballot board election judges or deputy county auditors serving as election judges are to accept or reject absentee ballots and perform other prescribed statutory duties; Minn. Stat. § 203B.121, subd. 2; and
- to ensure that deputy county auditors serving on the county ballot board meet the mandatory statutory requirements of deputy county auditors under Minnesota Statutes § 384.08.

The writ is needed to require Ramsey County, through its Board of Commissioners and the Ramsey County Auditor, to act in accordance with the legislative mandates for the municipality's ballot board under Minnesota Statutes § 203B.121. No other legal remedy is available to immediately correct the actions of these County officials.

JURISDICTION

Jurisdiction of the district court over this petition for a writ of mandamus is conferred under Article VI, § 3 of the Minnesota Constitution. Minnesota Statutes §§ 117.045 and 586.01 statutorily confer the district court's jurisdiction. There are no other alternative remedies at law for the relief requested.

This Court also has jurisdiction over class actions under Rule 23 of the Minnesota Rules of Civil Procedure.

PARTIES

Petitioner Minnesota Voters Alliance

1. The Minnesota Voters Alliance is an organization with members who seek to ensure, as part of their association objectives, public confidence in the integrity of Minnesota's elections, in election results and election systems, processes, procedures, and enforcement, and also that public officials act in accordance with the law in exercising their obligations to the people of the State of Minnesota. Its membership also includes election judges of major Minnesota political parties. The Minnesota Voters Alliance also works to protect the rights of its members whenever laws, statutes, rules, regulations, or government actions threaten or impede implied or expressed rights or privileges afforded to them under our constitutions or laws or both. Its membership includes candidates seeking elective offices.

Petitioner Republican Party of Minnesota

2. The Republican Party of Minnesota is a major political party. The Republican Party does present to the Secretary of State a list of Republican Party members who desire to

be election judges. As part of this process, the Republican Party has expectations that as a major party, members will be appointed as election judges to ballot boards including the Ramsey County ballot board to ensure major political party balance when absentee ballots are accepted or rejected, as required by law under Minnesota Statutes § 203B.121 and as the Legislature specifically intended.

Petitioner Dan McGrath, Ramsey County Commissioner Candidate

3. Dan McGrath is presently a candidate for elected office as a Ramsey County Commissioner, in the November 2020 general election. He is a member of the Minnesota Voters Alliance. McGrath resides in Saint Paul, Minnesota, and is an eligible and registered voter. He plans to vote absentee due to the current COVID-19 health crisis and Governor's Executive Orders which have also impeded and curtailed his campaign practices.

4. Nevertheless, if elected to office, McGrath will have a legal right or privilege to take the public office as a result of the election outcome. In light of the COVID-19 health crisis and the Governor's Executive Orders, McGrath anticipates that many of his supporters, as a necessity, will resort to absentee balloting to cast their ballots

5. Because the ballot board in Ramsey County will play a significant role in the upcoming election contest, for any governmental entity or election official not to abide by the mandatory requirements of the law can and will have an effect on the outcome of the election and any deviation from the election laws will undermine the credibility of the November election result. Notably, failing to follow the laws related to the acceptance, rejection, and counting of absentee ballots in Ramsey County can have a direct impact on McGrath's legal right or privilege to take public office as a result of the election outcome.

6. In this November's election, McGrath intends to vote absentee. But, he believes voting absentee may not bring to him the same level of certainty that his vote will be properly tabulated and will not undergo a process of rejection where at the polling place any uncertainty can be immediately addressed. By this petition, he invokes his right to have his absentee ballot processed in full compliance with the laws for tabulating absentee ballots because those laws reduce additional risk that his ballot may be improperly rejected.

Petitioners Tony Ward, Thomas Polachek, and Robert McDonald

7. Tony Ward, Thomas Polachek, and Robert McDonald are election judges and are on major political party lists for selection with the Ramsey County Elections for the 2020 general election. All are registered eligible voters who reside in Ramsey County and are members of the Minnesota Voters Alliance.

8. Ward, Polachek, and McDonald also seek appointment, as election judges, to the Ramsey County ballot board under Minnesota Statutes § 203B.121, subdivision 1. However, appointment to the ballot board by Board of Commissioners is denied when, contrary to § 203B.121, subdivision 1, appointments are made solely by the Elections Manager, without regard to party list exhaustion, which occurred in 2018. That same process is being used in 2020. They are denied the opportunity to seek Board of Commissioners appointment to the ballot board, by the County Auditor, and, thereby, are prevented from the possibility of performing the duties of the ballot board, including accepting and rejecting absentee ballots. Minn. Stat. § 203B.121, subd. 2. Instead, the County Auditor has staff, or temporary staff, do the accepting or rejecting of absentee ballots.

Respondent County of Ramsey Board of Commissioners

9. The Ramsey County Board of Commissioners, acting for the County of Ramsey, is the municipal governing body under Minnesota Statutes § 203B.121, subdivision 1 that, by ordinance or resolution, establishes a ballot board. Under subdivision 1, the board is responsible for handling absentee ballots.

10. The Ramsey County ballot board is required to include election judges trained in handling absentee ballots and appointed in accordance with §§ 204B.19 to 204B.22. The Board of Commissioners, as the appointing authority, must appoint election judges to the board. Minn. Stat. § 204B.21, subd. 1.

Respondent Ramsey County Auditor, Christopher A. Samuel

11. Christopher A. Samuel is the Ramsey County Auditor. Samuel is responsible for all matters relating or regarding elections within the jurisdiction of Ramsey County for the November 2020 general elections.

12. Samuel is responsible for the administrative and management support of the Board of Commissioners' appointed ballot board and all individuals engaged by him as County Auditor for all duties related to the election processes.

Attached documents relevant to the Petition identified as Exhibits 1 and 2.

13. Attached as **Exhibit 1** is a copy of Ramsey County Board of Commissioner minutes of its July 7, 2020, Board meeting. On the last page of the document under the heading "Voting" is the entire resolution regarding the referenced Ramsey County ballot board. The resolution is identified as the "July 7th Resolution" throughout this Petition.

14. Attached as **Exhibit 2** is a copy of the oath provided to persons identified and appointed by the Ramsey County Auditor as a “deputy county auditor.” The document reflects the position as temporary—January 10, 2020 to November 3, 2020, and specifically identifies the duties of the temporary County Auditor staff person or temporary employee as “duties assigned related to voter registration” or “duties assigned related to absentee voting.”

FACTUAL BACKGROUND

I. Minnesota voters may cast a vote by absentee ballot.

15. Minnesota will hold general elections on November 3, 2020.

16. Prior to the date of the election, eligible Minnesota voters will be allowed the privilege to vote by absentee ballot.

II. The Ramsey County Board of Commissioners establishes the ballot board for absentee ballots.

17. In Ramsey County, Minnesota, the absentee ballot process will include a ballot board. Minn. Stat. § 203B.121.

18. Under Minnesota Statutes § 203B.121 subdivision 1, the governing body of each county and municipality, as the governing authority, is to establish a ballot board.

19. The governing body in Ramsey County is the Ramsey County Board of Commissioners and thus, is the policy-determining body of the county. Ramsey Cty Charter §2.02.

20. The Ramsey County Board of Commissioners establishes the ballot board. Minn. Stat. §203B.121, subd. 1.

21. On July 7, 2020, the Ramsey County Board of Commissioners passed a resolution that established the County’s ballot board.

22. Minnesota Statutes § 203B.121, subdivision 1 states that the ballot board “must consist of a sufficient number of election judges...and *appointed* as provided in sections 204B.19 to 204B.22.” Emphasis added.

23. The July 7th Resolution granted the County Auditor the authority to appoint members to serve on the ballot board. This is contrary to Minnesota Statutes § 204B.21. Only the governing authority may make appointments to the ballot board.

24. The July 7th Resolution stated that the Ramsey County Auditor could choose between “a sufficient number of election judges trained in the handling of absent ballots *or* duly appointed deputy county auditors...” to serve on the ballot board.

25. Regardless of the title of “deputy county auditor,” only election judges may serve on the ballot board under § 203B.121 as defined under § 204B.21, and only after the exhaustion of major political party lists of election judges.

III. Election judges must be on the ballot board.

26. Under Minnesota Statutes § 203B.121, subdivision 1(a), the Legislature mandated as to who “must” be on the ballot board: “the board must consist of a sufficient number of election judges trained in the handling of absentee ballots and appointed as provided in sections 204B.19 to 204B.22.” Sections 204B.19 to 204B.22 govern election judges, from qualifications to numbers required:

- § 204B.19 refers to election judge qualifications;
- § 204B.195 refers to time off from work to serve as an election judge;
- § 204B.20 refers to the head election judge and duties;

- § 204B.21 refers to the appointment of election judges; and
- § 204B.22 refers to the number of election judges required.

27. Although the statutes identified apply to precincts, the statutes are applicable to the appointment of election judges to the ballot board. Minn. Stat. § 203B.121, subd. 1.

28. The phrase “sufficient number of election judges” in § 203B.121, subdivision 1 refers to the minimum number of election judges needed to carry out the mandated duties under § 203B.121, subdivision 2. The minimum number is found under §204B.21, subdivision 2:

“At least two election judges...must be affiliated with different major political parties.”

29. The “sufficient number” is consistent with one provision of Minnesota Rule 8210.2450 regarding election judges reviewing absentee ballots:

“Two or more ballot board members from different major political parties must review the absentee ballots returned....”

IV. Section 204B.19 allows for any eligible voter to be appointed an election judge provided other qualifications are met.

30. Election judges are statutorily defined under Minnesota Statutes § 204B.19, subdivision 1, as “any individual who is eligible to vote in this state is qualified to be appointed as an election judge.”

31. Under Minnesota Statutes § 204B.19, subdivision 4, “the appointing authority may establish additional qualifications which are not inconsistent with the provisions of this section and which relate to the ability of an individual to perform the duties of an election judge. The appointing authority may examine any individual who seeks appointment as an

election judge to determine whether the individual meets any qualification established under this section.”

32. The Ramsey County Board of Commissioners has no other additional qualifications for election judges.

33. Under Minnesota Statutes § 204B.21, subdivision 2, election judges are to be *appointed* by the governing body, here, the Ramsey County Board of Commissioners. There is no provision under either §§ 203B.121, subdivision 1 or 204B.21, that allows for the delegation of the County Board’s appointing authority to be given to any other individual or government official. Section 204B.21, subdivision 2 provides for the County Board to make appointments for duties assigned by the County Auditor: “Election judges...performing election-related duties assigned by the county auditor shall be appointed by the county board.” Despite the legislative mandate, the Ramsey County Board of Commissioners delegated its authority to the County Auditor through its July 7th Resolution: “The Ramsey County Board of Commissioners authorizes the County Auditor to appoint members to serve on the Ramsey County Ballot Board....”

34. Minnesota Statutes § 204B.21, subdivision 2, describes how election judges are to be appointed by the appointing authority. Under subdivision 1, in the first instance, major political party lists¹ are provided to the Secretary of State, who in turn provides them to the county auditor. Minn. Stat. § 204B.21, subd. 1.

¹ In Minnesota, there are four major political parties; the Minnesota Democratic–Farmer–Labor Party (DFL), the Republican Party of Minnesota, Grassroots-Legalize Cannabis Party, and the Legal Marijuana Now Party. Minn. Sec. of State; <https://www.sos.state.mn.us/elections-voting/how-elections-work/political-parties/> (last visited June 16, 2020).

35. As provided in § 204B.21, subdivision 2, the appointment of election judges is made from the major political party lists. If no lists are furnished or if the lists are exhausted, the appointing authority may appoint other individuals who meet the qualifications to serve as an election judge. *Id. See also*, Minn. Stat. § 204B.19.

36. If an individual is appointed from a source other than the furnished major political party lists as required under § 204B.21, subdivision 1, that individual “must provide to the appointing authority the individual’s major political party affiliation or a statement that the individual does not affiliate with any major political party.” Minn. Stat. § 204B.21, subd. 2. An individual who refuses to provide the statement of party affiliation or non-party affiliation “must not be appointed as an election judge.” *Id.*

37. Section 203B.121(a) is consistent with § 204B.21, subdivision 2; appointments of “deputy clerks” to the ballot board are to be made by the County Board of Commissioners.

V. Only statutorily qualified deputy county auditors may serve on the county ballot board.

38. Minnesota Statutes § 203B.121, subdivision 1, allows, under certain circumstances, deputy county auditors to serve on a county ballot board. First, deputy county auditors may serve *after* the exhaustion of major political party lists of election judges who are appointed as ballot board members.

39. Second, only qualified deputy county auditors may serve on the county ballot board. A qualified deputy county auditor is statutorily defined under Minnesota Statutes § 384.08.

40. Section 384.08 states that the county auditor, here, Christopher A. Samuel, by a “certificate in writing” may appoint deputies.”

41. The appointed deputies,” before entering their duties,” must “record with the county recorder” those certificates. The certificates are to be endorsed with their “oaths of office.” Minn. Stat. § 384.08.

42. Section 384.08 also state the duties of the county deputy auditor:

Such deputies may sign all papers and do all other things which county auditors may do.

43. In addition, § 384.08 mandates that the county auditor “require bonds of their deputies in such amount and with such sureties as they deem proper, shall be responsible for their acts, and may revoke their appointment at pleasure.”

44. If a “deputy county auditor” is appointed and serves on a ballot board, the person must serve as an “election judge” regardless of the title “deputy county auditor.” If the person is to perform the duties of an election judge under § 203B.121, subdivision 2, such as accepting or rejecting absentee ballots, the person must disclose their major political party affiliation. If they do not, the person may not act as an election judge under subdivision 2, however, could perform other duties as outlined under § 203B.121, such as counting ballots. *See e.g.*, Minn. Stat. § 203B.121, subd. 5.

45. Ramsey County Auditor Samuel appoints temporary personnel as “Deputy Ramsey County Auditors” and does so for the period January 10, 2020, through November 3, 2020, with the Ramsey County Elections Office.

46. Ramsey Auditor Samuel appoints temporary personnel as “Deputy Ramsey County Auditors” for the period January 10, 2020 through November 3, 2020 with the Ramsey County Elections Office for specific duties:

Assigned related to voter registration; and
Assigned related to absentee voting.

47. Ramsey County Auditor Samuel’s appointments of temporary personnel as “Deputy Ramsey County Auditors” for the specific assignments related to elections and specifically absentee voting violates Minnesota Statutes § 203B.121, subdivision 1(a) and § 384.08.

48. Samuel does not record any certificate of any temporary appointed Deputy Ramsey County Auditor serving for the period January to November with the County Recorder.

49. Samuel does not require bonds for any temporary appointed Deputy Ramsey County Auditors serving for the period January to November.

50. Samuel violates § 204B.21, subdivision 2 because those “temporary” January to November deputy county auditors assigned to absentee voting duties who perform any duties of election judges under § 203B.121, must be appointed by the County Board.

51. In short, the appointments of Ramsey County Auditor Samuel of temporary personnel to serve in the capacity as “deputy county auditors,” are *not*, under Minnesota law, in fact “county deputy auditors.” Because those individuals are not legally “county deputy auditors,” they cannot serve as members of the ballot board.

52. None of Samuel’s appointments of temporary personnel as “Deputy Ramsey County Auditors” for the specific assignments related to elections may serve as ballot board members under § 203B.121.

53. Moreover, any appointment to the ballot board of any statutorily qualified deputy county auditor must be made by the Board of Commissioners, after the exhaustion of major political party lists for election judges and that person must meet the requirements of an election judge as found under § 204B.21, including the disclosure of the person’s major political party affiliation or a statement of non-party affiliation.

54. Meanwhile, without waiving any argument presented as it pertains to the Legislature’s specific designation of “deputy county clerks,” there is no provision under § 203B.121 that allows other county auditor or other county staff, who are not a bona fide “deputy county auditor,” either permanent or temporary employees, to serve on the ballot board or otherwise perform the duties of election judges. In other words, a person designated as a staff person or employee of the county auditor’s office *may not* either serve on the ballot board *or* perform any duty of an election judge mandated under § 203B.121, subdivision 2.

VI. Specific statutory mandates govern accepting or rejecting absentee ballots.

Party partisan election judges perform the duties of accepting or rejecting absentee ballots since the Legislature requires party balance for those decisions which excludes all county officials and staff.

55. Under Minnesota Statutes § 203B.121, subdivision 1, a sufficient number of election judges must be appointed to a ballot board to perform the duties under subdivision

2 who are trained in the handling of absentee ballots “*and appointed as provided in sections 204B.19 to 204B.22.*” Emphasis added.

56. Election judges performing the statutory duties under § 203B.121, subdivision 2, must be from two different major political parties:

“Election judges performing the duties in this section must be of different major political parties....”

57. Under Minnesota Statutes § 204B.21, subdivision 2, election judges are to be first selected from previously provided major political party lists. Minn. Stat. § 204B.21.

58. Further, under § 204B.21, subdivision 2, “if no lists have been furnished or if additional election judges are required after all listed names in the municipality have been exhausted, the appointing authority may appoint other individuals who meet the qualifications to serve as an election judge.” The appointing authority is the Ramsey County Board of Commissioners.

59. Therefore, until the major political party lists are exhausted, no other ballot board member may be appointed as an election judge, including deputy county auditors to serve on a ballot board. Furthermore, there is no provision under § 203B.121 that allows a county auditor official, staff person, or another employee of the county auditor’s office to either be appointed to the board or do any work prescribed expressly to an election judge.

60. The Ramsey County Board of Commissioners’ July 7th Resolution suggests that the ballot board may consist of either “election judges” or “duly appointed deputy county auditors.” As previously described, there are no “duly appointed deputy county auditors” in Ramsey County.

61. As previously described, even if a “deputy county auditor” is appointed by the Ramsey County Board of Commissioners, the person must meet all requirements of an election judge, including the disclosure of the person’s affiliation with a major political party *before* she may perform any duty prescribed under § 203B.121, subdivision 2 in accepting or rejecting absentee ballots wherein the statutory mandate requires persons from two different major political parties to perform those duties.

62. Under § 204B.21, subdivision 2, “an individual who is appointed from a source other than the list furnished pursuant to [§204B.21] subdivision 1 *must* provide to the appointing authority the individual’s major political party affiliation or a statement that the individual does not affiliate with a major political party.” Emphasis added. An individual who refuses to provide their major political party affiliation or a statement that the individual does not affiliate with a major political party “*must not* be appointed as an election judge.” *Id.* Emphasis added.

63. “Must” means “be obligated to; should...used to insist on something.” Oxford American Desk Dictionary & Thesaurus 523 (3rd ed. Oxford University Press (2010)).

64. Minnesota Statutes § 203B.121, subdivision 2, defining the duties of ballot board election judges, requires that they “*must be* of different major political parties....” Emphasis added. The mandate reflects the Legislature’s intent to ensure party balance in the performance of duties related to the decision-making process to accept or reject absentee ballots. Minn. Stat. § 203B.121, subd. 1.

65. Further, while a “deputy county auditor” may swear as an employee of the County Auditor’s Office to be non-partisan, the mandate of the Legislature requires the disclosure of the person’s major political party affiliation when a deputy county auditor is appointed to the ballot board and hence, is acting as an election judge in the acceptance or rejection of absentee ballots or other duties under § 203B.121, subdivision 2. As § 203B.121, subdivision 2 mandates, only election judges from different major political parties may accept or reject absentee ballots. Hence, there can be no claim that non-partisanship is acceptable to perform election judge duties under § 203B.121, subdivision 2.

66. However, should there be appointed an election judge to the ballot board who has provided a statement of non-major party affiliation, the individual may do limited election judge duties as prescribed under, for instance, § 203B.121, subdivision 5 (*e.g.*, counting ballots).

67. Meanwhile, after the exhaustion of major political party lists, the Board of Commissioners may appoint other individuals who meet the qualifications to serve as an election judge. However, any such individual must provide the appointing authority the individual’s major party affiliation or a statement that the individual does not affiliate with any major political party. Minn. Stat. § 204B.21, subd. 2. Failure to do so means that the individual may not serve as an election judge. *Id.* Regardless, under § 203B.121, subdivision 2, only election judges may accept or reject absentee ballots *and* those election judges must be from different major political parties. Non-partisanship is *not* an option for duties mandated under subdivision 2.

68. The oath for election judges, found under Minnesota Statutes § 204B.24, taken before assuming the duties of the office, relates *only* to the acceptable and expected *performance* of the election judge, for example: “I will perform my duties in a fair and impartial manner and not attempt to create an advantage for *my party* or for any candidate.” Emphasis added. The oath *is not* a statement of an election judge’s major political party affiliation or non-major political party affiliation.

69. For Ramsey County, party partisanship of election judges to accept or reject absentee ballots for ballot boards is an expressed legislative public policy as mandated under §203B.121, subdivision 2.

70. Section 203B.121, subdivision 2, mandates that election judges perform specific duties related to absentee ballots upon the municipality’s receipt of those ballots:

Upon receipt from the county auditor, municipal clerk...[of absentee ballots] two or more members of the ballot board shall examine each return envelope and *shall* mark it accepted or rejected in the manner provided *in this subdivision*.²

71. “Subdivision” refers to § 203B.121, subdivision 2.

Election judges performing the duties in this section *must* be of *different major political parties*, unless they are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10, subdivision 2.³

Emphasis added.

72. “Section” refers to § 203B.121, subdivision 2.

² Emphasis added.

³ *Id.*

73. Section 203B.121, subdivision 2 mandates that election judges are to handle the decisions regarding the accepting or rejecting of absentee ballots.

74. Thus, for instance, even if Ramsey County had actual bona fide deputy county auditors on a ballot board (which it does not) who had been appointed *after* all major political party lists were exhausted, whenever deputy county auditors are processing absentee ballots engaged in accepting or rejecting absentee ballots, they are acting as election judges.

75. Because appointed deputy county auditors are acting as election judges, *all* ballot board election judges performing these and all other duties under §203B.121, subdivision 2 *must* be from *different major political parties*. Therefore, at the time of a deputy county auditor's appointment to the ballot board, the deputy county auditor must state, as mandated under § 204B.21, subdivision 2, their major political party affiliation or non-major party affiliation, otherwise they cannot serve as election judges on the ballot board or carry out the mandate of the Legislature of accepting or rejecting absentee ballots as political party partisans. There are no exemptions for deputy county auditors, if Ramsey County had deputy county auditors.

VII. When the Legislature provides for an exception to the law, it expressly states the exception.

Only in a few instances has the Legislature expressly excused party balance for election judge duties.

76. It is expressed legislative policy to allow for and to mandate party partisanship on county ballot boards in the accepting and rejecting of absentee ballots.

77. Section 203B.121, subdivision 2, also references § 205.075, subdivision 4 and § 205A.10, subdivision 2. They are not applicable for county ballot boards. For example, §

205.075, subdivision 4, refers to general town elections. Party balance for duties performed by election judges is excused *if* not in conjunction with statewide elections:

The provisions of sections 204B.19, subdivision 5; 204B.21, subdivision 2; 204C.15; 204C.19; 206.83; and 206.86, subdivision 2, relating to party balance in the appointment of judges and to duties to be performed by judges of different major political parties do not apply to a town election not held in conjunction with a statewide election.

78. Likewise, § 205A.10, subdivision 2, governs school district elections. Party balance for duties performed by election judges is excused *if* not in conjunction with statewide elections.

For school district elections not held in conjunction with a statewide election, the school board shall appoint election judges as provided in section 204B.21, subdivision 2. The provisions of sections 204B.19, subdivision 5; 204B.21, subdivision 2; 204C.15; 204C.19; 206.83; and 206.86, subdivision 2, relating to party balance in appointment of judges and to duties to be performed by judges of different major political parties do not apply to school district elections not held in conjunction with a statewide election.

79. As §§ 205.075, subdivision 4 and 205A.10, subdivision 2 show, when the Legislature seeks to have an exception to party partisanship, it explicitly states the exception.

80. Another example of an exception to party partisanship, as a matter of public policy, is found in the ballot board for military and oversea absentee ballots, which is under the exclusive control of the counties.

81. The governing statute for the ballot board of military and overseas absentee ballots is § 203B.23. Subdivision 1, specifically excludes the need for election judge party balance:

The county auditor must establish an absentee ballot board for ballots issued under sections 203B.16 to 203B.27. The board may

consist of staff trained as election judges, in which case, *the board is exempt* from sections 204B.19, subdivision 5, and 204C.15, *relating to party balance in appointment of judges and to duties to be performed* by judges of different major political parties.

Emphasis added.

82. If the ballot board contains election judges who have stated they are not affiliated with a major political party, they may nonetheless perform duties that do not require party partisanship, such as that found under 203B.121, subdivision 5, which involves other duties including counting.

VIII. The Ramsey County Board of Commissioners failed to appoint election judges to the ballot board.

83. On July 7, 2020, the Ramsey County Board of Commissioners passed a resolution regarding the establishment of the County’s ballot board and granted authority to the Ramsey County Auditor to appoint election judges to the ballot board.

84. Moreover, under the July 7th Resolution, the Ramsey County Board of Commissioners adopted the Legislature’s intent regarding ballot boards under Minnesota Statutes § 203B.121, and § 204B.21 when it identified the purpose of the resolution as “required by Minnesota Statutes 203B.121....”

85. As a matter of policy, the Ramsey County Board of Commissioners failed to appoint election judges to the ballot board. As a matter of policy, the Board of Commissioners failed to act in accordance with Minnesota Statutes § 203B.121, subdivision 1(a) and § 204B.21, subdivision 2.

86. In addition, the Board of Commissioners failed to obtain the major political party affiliation of each election judge or statement of non-party affiliation to comply with

the mandates of § 203B.121, subdivision 2. Failure to make the party affiliation, or non-affiliation, disclosure to the appointing authority, excludes the individual as an election judge as the Legislature has mandated:

An individual who refuses to provide the individual's major political party affiliation or a statement that the individual does not affiliate with a major political party *must not* be appointed as an election judge.

Minn. Stat. § 204B.21, subd. 2. Emphasis added.

87. As a matter of policy, the Ramsey County Board of Commissioners illegally delegated its statutory authority to appoint election judges to the ballot board to the County Auditor. Only the appointing authority may make election judge appointments. *See* Minn. Stat. § 204B.21, subd. 2 and § 203B.121, subd. 1. The delegation by the appointing authority is contrary to the law.

88. The Ramsey County Board of Commissioners and the Ramsey County Auditor failed to comply with the legislative mandates for Ramsey County's ballot board.

IX. The County Auditor allows staff, either temporary or permanent employees, to perform duties specifically delegated to election judges of different major political parties under § 203B.121, subdivision 2.

89. There is no provision under § 203B.121, subdivisions 1 and 2 that allows either county staff—whether full-time, part-time, or temporary—to serve on a county ballot board or accept or reject absentee ballots. Those duties are expressly assigned to election judges from different major political parties:

Election judges performing the duties in this section [subdivision 2] must be of different political parties, unless they are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10, subdivision 2.

Minn. Stat. §203B.121, subd. 2.

90. Christopher A. Samuel, as the Ramsey County Auditor, is designated to administer absentee voting laws.

91. In addition, only the Ramsey County Board of Commissioners, as the appointing authority, can within the 25-day period before the election, authorize the appointment of additional election judges to the ballot board, and only if a determination of the need for additional election judges is made by the appointing authority:

The appointments shall be made at least 25 days before the election at which the election judges will serve, except that the appointing authority may pass a resolution authorizing the appointment of additional election judges within the 25 days before the election if the appointing authority determines that additional election judges will be required.

Minn. Stat. § 204B.21, subd. 2.

92. Christopher A. Samuel, as Ramsey County's Auditor, now has the authority given to him by the Board of Commissioners to appoint election judges to the ballot board for the November 2020 general election. To do so is contrary to the law.

93. For the 2020 primary election, Samuel has appointed temporary "deputy county auditors" to administer and perform the duties specifically mandated for election judges. Those temporary "deputy county auditors" do not meet the qualifications of "county auditors" under Minnesota statutory law. Therefore, it is contrary to the law for them to serve on the County's ballot board *and* to accept or reject absentee ballots for the primary election. Nevertheless, Samuel will use the same policy for the November 2020 general election despite it being contrary to the law. Minn. Stat. § 203B.121, subd. 2.

94. Consistent with Samuel's policy for the 2020 primary elections, the County Auditor allows non-Board of Commissioner-appointed individuals to serve as if members of the ballot board to perform duties of election judges under § 203B.121, subdivision 2 in accepting or rejecting absentee ballots. He is acting in the same manner for the November 2020 general election which is contrary to the law.

95. Samuel has no authority to appoint members to the County's ballot board.

96. Samuel has no authority to allow any County Auditor staff—full-time, part-time, or temporary individual or official—to perform duties of election judges under § 203B.121, subdivision 2 in accepting or rejecting absentee ballots.

97. Even within the 25 days before the election, to add election judges to the existing ballot board members, Samuel must seek the appointments through the approval of the County Board of Commissioners. He has failed to do so and it is Samuel's policy not to do so. Again, only the Board of Commissioner's has the authority to appoint ballot board members. Minn. Stat. § 203B.121, subd. 1; §204B.21, subd. 2. Samuel's policy and actions are contrary to the law.

98. It is Samuel's policy for the 2020 primary elections and ongoing, as County Auditor, to have County Auditor staff who are not (1) bona fide deputy county auditors and (2) who are not appointed by the County Board of Commissioners, to serve and perform duties of election judges as if they were members of the ballot board, and to not require the disclosure of their respective major political party affiliation when they are to accept or reject absentee ballots.

99. Throughout 2020 to the present, Samuel, as County Auditor, fails to comply with the election laws under Minnesota Statutes §§ 203B.121 and 204B.21 despite the July 7th Resolution implying the compliance with the legislative mandates of Minnesota statutes including §§ 203B.121 and 204B.21.

100. There will be a general election on November 3, 2020.

101. Christopher A. Samuel, as Ramsey County Auditor, has affirmed that the procedures he used to make appointments to the ballot board in 2020 will be exactly as those procedures he is following for the 2020 primary elections.

102. In other words, in 2020, Samuel is acting contrary to legislative mandates found within the election laws governing municipal ballot boards.

103. Samuel's affirmation to follow his 2020 primary election procedures also means that he will appoint staff to perform the duties expressly limited to ballot board election judges and to perform those duties without identifying their respective major political party affiliations or state that they do not affiliate with any major political party. This is contrary to the law, specifically under Minnesota Statutes § 204B.21, subdivision 2. Staff, temporary or permanent, may not perform the duties of election judges and it remains the express legislative policy that ballot board election judge duties are to be performed with party balance.

104. Minnesota Statutes § 203B.121, subdivision 1, does not provide for any exceptions or exemptions from 204B.21, subdivision 2. If the Legislature intended to make an exception to the party affiliation or non-affiliation disclosure it would have expressly

stated so. The Legislature’s intent under subdivision 2 is to maintain party balance in the election absentee ballot process.

105. As previously stated, the Legislature will expressly state ballot board exemptions or exceptions. As an example, under Minnesota Statutes § 203B.23, the appointment of absentee ballot board members for ballots from overseas and military individuals, may include “staff trained as election judges, in which case, *the board is exempt* from sections 204B.19, subdivision 5, and 204C.15, relating to party balance in appointment of judges and to duties to be performed by judges of different major political parties.” Emphasis added.

106. Likewise, Minnesota Statutes § 204B.45 governing mail balloting for certain towns and cities located outside the metropolitan area, with few exceptions, allows for a ballot board to be appointed by an auditor or clerk to examine mail and absentee ballot return envelopes to mark them “accepted” or “rejected.”

107. Under § 204B.45, the ballot board may consist of deputy county auditors or deputy municipal clerks “who have received training in the processing and counting of mail ballots, who need not be affiliated with a major political party.” No similar exemptions or exceptions are found under § 203B.121. Section 204B.45 does not apply to Ramsey County.

108. Samuel’s affirmations indicate a continuing policy for the 2020 primary elections to the present day as applied to the November 3, 2020, general election, that non-bona fide deputy county auditors or any other temporary or permanent county staff persons that he appoints to the ballot board or not otherwise appointed by the Board of Commissioners, will do the work of election judges as mandated under § 203B.121,

subdivision 2, but, will not have those persons disclose their party affiliation or non-affiliation, nor will they or other board “staff members” be of differing major political parties in the accepting or rejecting of absentee ballots.

109. For the 2020 primary elections, Samuel did not have election judges from different political parties accept or reject absentee ballots and has expressed that in 2020 it is his continuing policy not to do so, regardless of the requisites of statutory law. Minn. Stat. § 203B.121, subd. 2.

110. For the 2020 primary elections, Samuel appointed election judges to the Ballot Board, including staff, and did not seek and did not obtain those individuals’ major political party affiliations or statements that the individuals did not affiliate with any major political party.

111. In 2020, Samuel stated that his process for accepting and rejecting absentee ballot envelopes is carried out only by staff—so called “deputy county auditors.”

112. For the 2020 November election, Samuel, as Ramsey County Auditor has taken the position that the 2020 primary election process is valid and will be used for the forthcoming 2020 November general elections.

113. For the 2020 November election, Samuel, as Ramsey County Auditor has taken the position, as he did for the 2020 primary elections, that staff—so called temporary deputy county auditors—acting as election judges, will handle and make the decisions to accept or reject absentee ballots even though they have not been appointed as election judges by the appointing authority—the Board of Commissioners—in the manner required under § 204B.21, subdivision 2.

114. For the 2020 November elections, Samuel, as Ramsey County Auditor has taken the same position that he did for the 2020 primary elections, that he will use County Auditor “staff”—temporary deputy county auditors and others—to handle and make the decisions to accept or reject absentee ballots even though they have not been appointed in the manner required under § 204B.21, subdivision 2.

115. For the 2020 November election, Samuel has stated that he will implement policies that do not follow the law.

116. “Mandamus is an extraordinary legal remedy.”⁴

117. “The authority to issue a writ of mandamus is statutory.”⁵ The two primary uses of mandamus are (1) to compel the performance of an official duty clearly imposed by law and (2) to compel the exercise of discretion when that exercise is required by law.⁶

118. However, a writ of mandamus does not control the particular manner in which a duty is to be performed and does not dictate how discretion is to be exercised.⁷

119. In addition, a writ of mandamus “shall not issue in any case where there is a plain, speedy, and adequate remedy in the ordinary course of law.”⁸

120. The Petitioner Republican Party of Minnesota seeks a writ of mandamus as a major political party to ensure Ramsey County, its Board of Commissioners and the Ramsey

⁴ *Mendota Golf, LLP v. City of Mendota Heights*, 708 N.W.2d 162, 171 (Minn. 2006) quoting *State v. Pero*, 590 N.W.2d 319, 323 (Minn. 1999).

⁵ *Id.*, *State v. Wilson*, 632 N.W.2d 225, 227 (Minn. 2001); see Minn. Stat. §§ 586.01–586.12 (2004).

⁶ *Mendota Golf, LLP*, 708 N.W.2d at 171, citing Minn. Stat. § 586.01; *N. States Power Co. v. Minn. Metro. Council*, 684 N.W.2d 485, 491 (Minn. 2004).

⁷ *Mendota Golf, LLP*, 708 N.W.2d at 171, citing e.g., *State v. Davis*, 592 N.W.2d 457, 459 (Minn. 1999); *State ex rel. S. St. Paul v. Hetherington*, 240 Minn. 298, 301, 61 N.W.2d 737, 740 (1953); *State ex rel. Laurisch v. Pohl*, 214 Minn. 221, 226, 8 N.W.2d 227, 231 (1943).

⁸ *Mendota Golf, LLP*, 708 N.W.2d at 171, quoting Minn. Stat. § 586.02.

County Auditor perform the legislative mandates of Minnesota Statutes §§ 203B.121 and 204B.21 which the Respondents have affirmed they will not follow.

121. The Petitioner Minnesota Voters Alliance seeks a writ of mandamus as an association consisting of Ramsey County election judges and members of a major political party to ensure the Ramsey County, its Board of Commissioners and the Ramsey County Auditor perform the legislative mandates of Minnesota Statutes §§ 203B.121 and 204B.21 which the Respondents have affirmed they will not follow.

122. The Petitioners Tony A. Ward, Thomas Polachek, and Robert McDonald submit this petition on behalf of themselves and all others similarly situated as election judges as for all allegations and claims asserted, under all applicable provisions of Rules 23.01 and 23.02 of the Minnesota Rules of Civil Procedure governing class actions.

123. The proposed class of election judges the Petitioners Tony A. Ward, Thomas Polachek, and Robert McDonald seek to represent is composed of election judges on major political party lists who seek appointment by the Ramsey County Board of Commissioners and further seek appointment by the Ramsey County Auditor as ballot board members under Minnesota Statutes § 203B.121. Alternatively, should it be found that any of the Petitioners' allegations or claims could not be certified as a whole, then the Petitioners seek certification of any subclass so identified.

124. The class of election judges satisfies all requirements under Rule 23.01 and Rule 23.02 of the Minnesota Rules of Civil Procedure, including, but not limited to, the elements commonly known as numerosity, commonality, typicality, adequacy, and superiority.

- a. The proposed class is so numerous that joinder of all members is impracticable, since the election judges will number in the hundreds many of which are yet to be named and determined to be appointed as election judges.
- b. The claims of the proposed class share common questions of law or fact. The named Respondents have engaged in a common course of misconduct regarding the ballot board appointments and duties under Minnesota Statutes § 203B.121 that affect all potential members of the board which are to be appointed as election judges. The Ramsey County Auditor, Christopher A. Samuel, in particular has not identified, and has announced that he will not identify to the Ramsey County Board of Commissioners the major party affiliations or their statements of non-affiliation of election judges as required by law (albeit not public data per statutory law but, nonetheless, a necessary disclosure to the Board of Commissioners). Meanwhile, the Ramsey County Board of Commissioners has not appointed ballot board members and has unlawfully delegated that authority to the County Auditor. In turn, among other things, the Ramsey County Auditor has not selected, and has announced that he will not select, ballot board election judge members from party lists provided to the County Auditor. The common course of

misconduct and resultant injury to the Petitioners and the other members of the proposed class and the commonality of remedies available demonstrate the propriety of class certification.

- c. The claims of the proposed Class Representatives are typical of the class. Each Petitioner is an election judge and is on a major political party list. Their allegations and claims arise out of the same misconduct perpetrated by each Respondent against the Petitioner election judge and other members of the proposed class. Thus, Petitioners' theories and evidence will be practically identical to those underlying the claims of the other members of the proposed class.
- d. The Petitioners will fairly and adequately protect the interests of the proposed class. The Petitioners have no adverse or conflicting interests, and have retained experienced and competent counsel to adequately litigate a class action.
- e. In addition, adjudication by individual members of the proposed class would create a risk of inconsistent adjudications with respect to individual members of the class, and as a practical matter, would be dispositive of the interests of other members not parties to the adjudications. If Petitioners prevail against Respondents, the claims of the other members of the proposed class would be substantially affected.

- f. Further, the common questions of law or fact predominate over any questions affecting individual proposed class members, and the class action is superior to other available methods. Adjudication of this proposed class action in a single forum would obviate the potential for inconsistent results for the proposed class members. The Petitioners are not aware of any difficulties likely to be encountered in managing this litigation as a class action.
- g. Proper and sufficient notice of this action may be provided to the proposed class members through actual notice to participants as election judges as contacted through the information kept on record by all major political parties and the Ramsey County Auditor.
- h. The Petitioner election judges are suffering statutory harm as a result of Respondents' illegal conduct. Election judges on major political party lists are not selected as required in the first instance for the statutory duties under Minnesota Statutes § 203B.121. Absent representative action, the members of the proposed class will continue to suffer the statutory harm embodied within the statutory commands imposed upon the Ramsey County Board of Commissioners and the County Auditor if the violations of the law are allowed to continue with impunity.

Claim for a Writ of Mandamus Ruling

125. The preceding paragraphs are incorporated in their entirety by reference as if fully restated to support the claim asserted.

126. The Ramsey County Board of Commissioners is acting contrary to Minnesota Statutes § 203B.121, subdivision 1, that states the Board of Commissioners must establish a ballot board that consists of a sufficient number of election judges. The Board of Commissioners did not appoint election judges to the ballot board for the 2020 primary elections and as a matter of policy will not appoint election judges to the ballot board for the November 2020 general election.

127. The Ramsey County Board of Commissioners has improperly delegated its statutory authority for appointing ballot board election judges to the Ramsey County Auditor. The Board of Commissioners delegated its statutory authority to the County Auditor for the 2020 primaries and as a matter of adopted policy will do so for the November 2020 general election.

128. The Ramsey County Auditor affirmed that neither he nor the Board of Commissioners use major political party lists, inclusive of those from the Republican Party of Minnesota, to appoint election judges to the ballot board, if the County Auditor has any such authority.

129. Minnesota Statutes § 203B.121 states that the ballot board may include deputy county auditors as election judges.

130. Provided party lists have been exhausted, any other individual, if he or she qualifies as an election judge, may be appointed as an election judge to the Ramsey County

ballot board. This also includes deputy county auditors. Before a deputy county auditor is appointed to the Ramsey County ballot board, the provided major political party lists must be exhausted.

131. Even if the County Auditor designates a person as a deputy county auditor, he has done so contrary to state law. Even if the person could be considered as a deputy county auditor serving on the County's ballot board, they must act and make the necessary statutory disclosures as required under Minnesota Statutes § 204B.21 and perform election judge duties as statutorily mandated under § 203B.121, subdivision 2.

132. There is no provision under Minnesota Statutes § 203B.121 that allows for the appointment of any other County staff person to the ballot board by either the Board of Commissioners, or the County Auditor, regardless of whether the person is designated as "full-time staff" or "temporary staff," to accept or reject absentee ballots.

133. Because the County Auditor fails to properly follow Minnesota law for the designation of persons to be deputy county auditors, they can only be found to be either "full-time staff" or "temporary staff" and cannot accept or reject absentee ballots, yet, the Ramsey County Auditor allows them to act as ballot board appointed election judges. This is contrary to the law. Moreover, only election judges from different major political parties may accept or reject absentee ballots.

134. The Ramsey County Auditor fails to require that at least two election judges from different major political parties accept or reject absentee ballots. This is contrary to the law.

135. If appointed to the ballot board, all election judges must declare their party affiliations or provide statements of non-affiliation if they are to perform the duties of election judges as described under § 204B.21 as directed by §203B.121, subdivision 1.

136. Failure to act in compliance with the statutory requirements of Minnesota Statutes §§ 203B.121, subdivisions 1 and 2, and § 204B.21, is contrary to the legislative intent of the statutes as expressed within those statutes as it relates to fair elections and fair election processes. The Legislature expressly provided for party balance—partisanship—for duties related to the acceptance or rejection of absentee ballots.

137. There is no other statutory mechanism to challenge and direct the offending Ramsey County officials to adhere to their specific duties imposed under §§ 203B.121 and 204B.21.

138. The alleged harms and their irreversible potential impacts on the November 2020 elections are significant and cannot be remedied after they have occurred.

139. The Minnesota Voters Alliance seeks as part of its association objectives, public confidence in the integrity of Minnesota’s elections, in election results and election systems, processes, procedures, and enforcement, and also that public officials act in accordance with the law in exercising their obligations to the people of the State of Minnesota.

140. The Minnesota Voters Alliance membership also includes election judges of major Minnesota political parties. The Voters Alliance also works to protect the rights of its members whenever laws, statutes, rules, regulations, or government actions threaten or

impede implied or expressed rights or privileges afforded to them under our constitutions or laws or both. Its membership includes candidates seeking elective offices.

141. The Republican Party of Minnesota has expectations that as a major political party, members will be appointed as election judges to ballot boards including in Ramsey County to ensure major political party balance when absentee ballots are accepted or rejected, as required by law under Minnesota Statutes § 203B.121 and as the Legislature specifically intended.

142. Because the ballot board in Ramsey County will play a significant role in the upcoming election contest, for any governmental entity or election official to fail to comply with the mandatory requirements of the law can and will have an effect on the outcome of the election and any deviation from the election laws will undermine the credibility of the November election result. As a result, County officials' actions that are contrary to the law will directly affect the members of the Minnesota Voters Alliance and the Republican Party of Minnesota.

143. Dan McGrath is presently a candidate for elected office as a Ramsey County Commissioner, in the November 2020 general election. He is a member of the Minnesota Voters Alliance. McGrath resides in Saint Paul, Minnesota, and is an eligible and registered voter. He plans to vote absentee.

144. Because the ballot board in Ramsey County will play a significant role in the upcoming election contest, for any governmental entity or election official not to abide by the mandatory requirements of the law can and will have an effect on the outcome of the election and any deviation from the election laws will undermine the credibility of the

November election result. Notably, failing to act in compliance with the laws related to the acceptance, rejection, and counting of absentee ballots in Ramsey County can have a direct impact on McGrath's legal right or privilege to take the public office as a result of the election outcome.

145. Tony A. Ward, Thomas Polachek, and Robert McDonald are election judges and are on a major political party list for selection with Ramsey County for the 2020 general election. Ward, Polachek, and McDonald are registered eligible voters and reside in Ramsey County. They also seek appointment, as election judges, to the Ramsey County ballot board under Minnesota Statutes § 203B.121, subdivision 1.

146. However, appointment to the ballot board by the Ramsey County Board of Commissioners is denied to Tony A. Ward, Thomas Polachek, and Robert McDonald when, contrary to § 203B.121, subdivision 1, appointments are made solely by the County Auditor, without regard to party list exhaustion, for the 2020 primary election. That same process is being used in 2020 for the November 2020 general election. They are denied the opportunity to seek Board of Commissioner appointment to the ballot board by the County Auditor.

147. Tony A. Ward, Thomas Polachek, and Robert McDonald are election judges and are on a major political party list for selection with Ramsey County for the 2020 general election. Ward, Polachek, and McDonald are registered eligible voters and reside in Ramsey County. They also seek appointment, as election judges, to the Ramsey County ballot board under Minnesota Statutes § 203B.121, subdivision 1.

Relief Requested

The Petitioners Minnesota Voters Alliance, the Republican Party of Minnesota, Tony A. Ward, Thomas Polachek, and Robert McDonald, respectfully request judgment against Ramsey County, the Ramsey County Board of Commissioners, and the County Auditor from this Court:

1. Granting the writ of mandamus;
2. Directing the Ramsey County Board of Commissioners to appoint election judges to the Ramsey County ballot board;
3. Directing the Ramsey County Board of Commissioners not to delegate to the County Auditor the Board's statutory mandate to appoint election judges to the ballot board;
4. Directing the Ramsey County Board of Commissioners to appoint election judges to the Ramsey County ballot board in accordance with Minnesota Statutes §§ 204B.21;
5. Directing the Ramsey County Board of Commissioners, if additional election judges are necessary, to adhere to the provisions of Minnesota Statutes § 204B.21, subdivision 2, regarding the need for a determination of the election judge requirement for additional judges;
6. Directing the County Auditor to obtain from each election judge before their appointment by the Ramsey County Board of Commissioners, a statement of their major political party affiliation or a statement of non-major political affiliation;
7. Directing the Ramsey County Auditor to adhere to the provisions of Minnesota Statutes § 203B.121 under which staff of the County Auditor's office, whether

full-time, part-time, or temporary, (a) may not serve on the Ramsey County ballot board; and (b) may not perform any duties of election judges as provided under § 203B.121, subdivision 2;

8. Directing the Ramsey County Auditor not to appoint temporary staff as “deputy county auditors” unless and until he meets all requirements under Minnesota Statutes § 384.08 governing deputy county auditors;

9. Directing the Ramsey County Auditor that only when the major political party lists are exhausted as required under § 204B.21, may the County Auditor request the County Board of Commissioners to appoint other election judges to the ballot board to perform the statutory duties found under § 203B.121, provided those individuals have complied with the mandates of § 204B.21 governing election judges; and

10. Directing the Ramsey County Auditor to adhere to the provisions of Minnesota Statutes § 203B.121, subdivision 2, in which at least two ballot board election judges are to accept or reject absentee ballots, who are also from different major political parties.

Dated: July 22, 2020

/s/Erick G. Kaardal
Erick G. Kaardal, 229647
Mohrman, Kaardal & Erickson, P.A.
150 South Fifth Street, Suite 3100
Minneapolis, Minnesota 55402
Telephone: 612-341-1074
Facsimile: 612-341-1076
Email: kaardal@mklaw.com
Attorneys for Petitioners

Minnesota Statute § 549.211 Acknowledgement

The undersigned, hereby acknowledges that pursuant to Minnesota Statute §549.21(1), costs, disbursements, and reasonable attorney fees and witness fees may be awarded to the opposing party or parties in this litigation if the Court should find that the undersigned acted in bad faith, asserted a claim or defense that is frivolous and that is costly to the other party, asserted an unfounded position solely to delay the course of the proceedings; or committed fraud upon the Court.

Dated: July 22, 2020

/s/ Erick G. Kaardal
Erick G. Kaardal

The Ramsey County Board of Commissioners met in regular session at 9:00 a.m. with the following members present remotely: Frethem, MatasCastillo, McDonough, McGuire, Ortega, Reinhardt, and Chair Carter. Also present in the Council Chambers were Ryan O'Connor, County Manager, and John Kelly, First Assistant County Attorney, Ramsey County Attorney's Office.

1. ROLL CALL

Commissioners	YES	NO	ABSENT	RECUSE
Carter, Toni	x			
Frethem, Nicole	x			
MatasCastillo, Trista	x			
McDonough, Jim	x			
McGuire, Mary Jo	x			
Ortega, Rafael	x			
Reinhardt, Victoria	x			

2. PLEDGE OF ALLEGIANCE

3. Agenda of July 7, 2020 is Presented for Approval

VOTING

Motion by: Mary Jo McGuire
Second by: Trista MatasCastillo

Commissioners	YES	NO	ABSENT	RECUSE
Carter, Toni	x			
Frethem, Nicole	x			
MatasCastillo, Trista	x			
McDonough, Jim	x			
McGuire, Mary Jo	x			
Ortega, Rafael	x			
Reinhardt, Victoria	x			

4. Minutes from June 23, 2020 are Presented for Approval

VOTING

Motion by: Jim McDonough
Second by: Trista MatasCastillo

Commissioners	YES	NO	ABSENT	RECUSE
Carter, Toni	x			
Frethem, Nicole	x			
MatasCastillo, Trista	x			
McDonough, Jim	x			
McGuire, Mary Jo	x			
Ortega, Rafael	x			
Reinhardt, Victoria	x			

5. County Manager - COVID-19 Update. Presented by County Manager Ryan O'Connor and Kathy Hedin, Director of Public Health. Discussion can be found on archived video.

ADMINISTRATIVE ITEMS

- 8. Community Corrections - Amendment Four to the Agreement with TW Vending for Commissary Services (B2020-134)

VOTING

Motion by: Victoria Reinhardt

Second by: Mary Jo McGuire

Commissioners	YES	NO	ABSENT	RECUSE
Carter, Toni	x			
Frethem, Nicole	x			
MatasCastillo, Trista	x			
McDonough, Jim	x			
McGuire, Mary Jo	x			
Ortega, Rafael	x			
Reinhardt, Victoria	x			

WHEREAS, The Ramsey County Community Corrections department seeks to obtain approval to extend the agreement with TW Vending doing business as (DBA)Turnkey Corrections, 2901 Harvey Street, Hudson, WI 54016, for Commissary and Vending Services for the Ramsey County Correctional Facility ;and

WHEREAS, The Correctional Facility is a 556-bed facility that houses sentenced residents, and the average daily population of the facility in 2019 was 252 residents; and

WHEREAS, To accommodate the needs of the resident population, TW Vending provides Commissary and Vending services, and

WHEREAS, The request for the extension is to allow Community Corrections to complete the procurement process while ensuring that services remain uninterrupted until the procurement process is complete; and

WHEREAS, The current agreement with TW Vending to provide commissary services was for the period of July 15, 2015 through July 14, 2018, with the option of two (2) one-year renewals and the current agreement, including renewals will expire on July 14, 2020; Now Therefore Be It

RESOLVED, The Ramsey County Board of Commissioners approves Amendment Four to the Agreement with TW Vending, doing business as (DBA) Turnkey Corrections, 2801 Harvey Street, Hudson, WI 54016, for Commissary and Vending Services, to extend the term of the Agreement for the period of July 15, 2020 through July 14, 2021 with all other terms and conditions remaining the same; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes the Chair and Chief Clerk to execute the Amendment.

- 9. Human Resources Terms of Collective Bargaining Agreement with AFSCME Local 8, Public Defenders (B2020-135)

VOTING

Motion by: Victoria Reinhardt

Second by: Mary Jo McGuire

Commissioners	YES	NO	ABSENT	RECUSE
Carter, Toni	x			
Frethem, Nicole	x			
MatasCastillo, Trista	x			
McDonough, Jim	x			
McGuire, Mary Jo	x			
Ortega, Rafael	x			
Reinhardt, Victoria	x			

WHEREAS, Ramsey County and AFSCME Local 8 (Public Defenders) unit engaged in collective bargaining; and

WHEREAS, Collective bargaining resulted in a tentative agreement on terms and conditions of employment for the period July 1, 2019 through June 30, 2021, effective July 1, 2019, as follows:

WAGES

Effective July 1, 2019 2.5% increase.

Effective July 1, 2020 2.5% increase.

ADMINISTRATIVE ALLOWANCE

Effective July 1, 2019 increase administrative allowance for part time employees from \$385 to \$400 per month.

INSURANCE

MEDICAL INSURANCE

Single Coverage

2019 - \$65/mo. employee

2020 - \$70/mo. employee

2021 - **

** The employer agrees to apply to this bargaining unit, the agreement to be reached with AFSCME Local 8 General Bargaining Unit in the upcoming negotiations for the 2021-2023 round of collective bargaining relative to the employee and the employer contributions for 2021 medical, dental and retiree insurances.

The County and employees will split the premium increase/decrease in family coverage each year on the following basis:

Family Coverage

2019 - 75% County/25% employee

2020 - 75% County/25% employee

2021 - **

Changes will be effective on January 1 of each year.

** The employer agrees to apply to this bargaining unit, the agreement to be reached with AFSCME Local 8 General Bargaining Unit in the upcoming negotiations for the 2021-2023 round of collective bargaining relative to the employee and the employer contributions for 2021 medical, dental and retiree insurances.

DENTAL INSURANCE

For the years 2019 and 2020, the County and the employees will split the increase in premium 50/50 for single or family coverage. For the year 2021, the employer agrees to apply to this bargaining unit, the agreement to be reached with AFSCME Local 8 General Bargaining Unit in the upcoming negotiations for the 2021-2023 round of collective bargaining relative to the employee and the employer contributions for 2021 medical, dental and retiree insurances. All rates are effective January 1 of each year.

RETIREE INSURANCE

Early Retiree contributions for employees retiring under the terms of this collective bargaining agreement -The County will continue to make the same contribution to medical insurance premiums for Early Retirees as for active employees, for employees retiring during the term of this contract. County contributions are subject to adjustments based on date of hire and length of service as provided for in previous County Board resolutions.

Regular Retiree Minimum Contributions for Employees Retiring During the Term of the Contract:

	<u>2019</u>	<u>2020</u>	<u>2021</u>
Single - No less than:	No Change	\$65/mo.	**
Family - No less than:	No Change	\$140/mo.	**

County and retiree contributions are subject to adjustments based on date of hire and length of service as provided for in previous County Board resolutions.

** The employer agrees to apply to this bargaining unit, the agreement to be reached with AFSCME Local 8 General Bargaining Unit in the upcoming negotiations for the 2021-2023 round of collective bargaining relative to the employee and the employer contributions for 2021 medical, dental and retiree insurances.

OTHER TERMS AND CONDITIONS OF EMPLOYMENT

The agreement reached also includes language changes and renewals of certain Memoranda of Agreement.

Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners approves the terms of the collective bargaining agreement with the AFSCME Local 8 (Public Defenders) unit for the fiscal years 2019 and 2020, effective July 1, 2019 and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes the Chair and the County Manager to sign the collective bargaining agreement.

- 10. Property Management / Sheriff's Office - Lease Agreement with the City of Saint Paul for 25 West 4th Street, Suite 150, Saint Paul, Minnesota 55102 (B2020-136)

VOTING

Motion by: Victoria Reinhardt

Second by: Mary Jo McGuire

Commissioners	YES	NO	ABSENT	RECUSE
Carter, Toni	x			
Frethem, Nicole	x			
MatasCastillo, Trista	x			
McDonough, Jim	x			
McGuire, Mary Jo	x			
Ortega, Rafael	x			
Reinhardt, Victoria	x			

WHEREAS, Since July 1, 2005, the Ramsey County Sheriff's Office has rented space from the City of Saint Paul on the first floor of the City Hall Annex for use by the Sheriff's Office Court and Security Services Division; and

WHEREAS, This location was selected because proximity to the main courthouse is essential for the effective and efficient delivery of mandated and public facing services; and

WHEREAS, The services provided at this location include court security and civil process and delivery of these services are required by Minnesota State law; and

WHEREAS, The Ramsey County Sheriff's Office provides court security services pursuant to Minnesota Statutes and at the request of the Ramsey County District Court; and

WHEREAS, Operating at five different locations across the county, the Court Security deputies secure courtrooms, maintain order during court, escort and transport in-custody persons to and from court and ensure the safety of all persons in and around the courthouse, including victims, witnesses, judges, prosecutors, defense attorneys and court staff; and

WHEREAS, Minnesota Statutes Sec. 387.16 provides that the Court may direct Sheriff's deputies to take charge of juries; and

WHEREAS, Civil process services are mandated by Minnesota Statutes Sec. 387.03, Sec. 387.04, Sec. 387.07, and Sec. 580.06; and

WHEREAS, Statutes mandate the Sheriff "shall execute all processes, writs, precepts, and orders issued" by the court; and

WHEREAS, Statutes require the Sheriff "serve all papers, post all notices named by law to be served or posted in behalf of the state or of the county."; and

WHEREAS, The renewal of this lease continues to provide a key location for the delivery of mandated and public facing services and the cost in the last year of the lease, ending June 30, 2020, was \$88,122 or \$15.46 per square foot; and

WHEREAS, Ramsey County Property Management and Sheriff's Office negotiated a renewal lease agreement at a beginning rate of \$15.00 per square foot consistent with rental rates in the downtown area for this type of space, Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners approves a two (2) year lease agreement with the City of Saint Paul, 15 West Kellogg Boulevard, Saint Paul, Minnesota, 55102 for approximately 5,700 square feet of space in the City Hall Annex located at 25 West Fourth Street, Saint Paul, Minnesota 55102 for Civil Process Services and Court Security Services for the period of July 1, 2020 through June 30, 2022 in an amount of \$172,710.00, plus an option for an additional one (1) year renewal term starting on July 1, 2022 and ending on June 30, 2023 in an amount to be negotiated at that time; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes the Chair and Chief Clerk to execute the lease agreement; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes the County Manager to execute a one (1) year renewal per the renewal terms in the lease agreement.

- 11. Property Management / Elections - Lease Agreement with the Badger Properties Riverview, LLC for 240 Fillmore Avenue, Saint Paul Minnesota 55107 (B2020-137)

VOTING

Motion by: Victoria Reinhardt
 Second by: Mary Jo McGuire

Commissioners	YES	NO	ABSENT	RECUSE
Carter, Toni	x			
Frethem, Nicole	x			
MatasCastillo, Trista	x			
McDonough, Jim	x			
McGuire, Mary Jo	x			
Ortega, Rafael	x			
Reinhardt, Victoria	x			

WHEREAS, Ramsey County Elections is the largest elections office in Minnesota, administering the state and county elections and carrying out the elections duties for 11 cities and five school districts; and

WHEREAS, Elections mission is to administer elections in Ramsey County in a fair, honest, impartial, accurate and efficient manner; and

WHEREAS, Ramsey County Elections currently occupies space on the first floor of the Plato building; and

WHEREAS, Elections staff had anticipated the need to expand their space to accommodate the increased growth in mail balloting expected for the primary and general 2020 elections based on past elections; and

WHEREAS, With the impacts of COVID-19 and social distancing practices for staff, the space needs have further increased; and

WHEREAS, Elections has expanded operations to include spaces on the first floor, third floor, and fourth floor of the Plato building. It is anticipated over 300,000 Ramsey County voters could choose to vote by mail in the August 11th primary and November 3rd general elections; and

WHEREAS, To accommodate the dramatic increase of physical supplies associated with the growth of mail balloting, as well as the personal protective equipment needed for 180 election-day polling places and approximately 40 employees, Elections is seeking additional storage space; and

EXHIBIT 1

WHEREAS, For ballot security, 2020 ballots will be stored at the Plato building; and

WHEREAS, There is no storage space available at other Ramsey County buildings; and

WHEREAS, Ramsey County Elections and Property Management evaluated multiple warehouse spaces and the warehouse space located at 240 Fillmore Avenue, St. Paul, Minnesota 55107 serves as an ideal location for meeting geographic, operational and service delivery needs with these features:

- Less than one mile from the Plato building allowing minimal travel time between building
- 5,300 usable square feet
- Tenant parking
- Climate controlled allowing for storage of climate sensitive elections equipment
- Loading dock compatible with trucks traditionally used for transporting elections equipment; and

WHEREAS, Property Management negotiated lease terms for two years that are competitive for office/storage space in the downtown and surrounding area and the County may cancel this lease without cause after the first twelve (12) months upon providing sixty (60) days written notice, Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners approves a 24-month lease agreement with Badger Properties Riverview, LLC, 421 Wabasha Street North, Suite 200, Saint Paul, Minnesota 55102 for approximately 5,300 usable square feet of space in Riverview Business Center located at 240 Fillmore Avenue, Saint Paul Minnesota 55107, for additional space to accommodate extra supplies and equipment associated with the expected increase of mail balloting in preparation for the primary and general 2020 elections, for the period of July 7, 2020 through July 6, 2022, in the amount of \$90,381.48, in substantially the same form, subject to approval by the County Attorney's Office and Finance; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes the County Manager to execute the lease agreement and future lease amendments; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes the County Manager to approve and execute future administrative amendments to the lease agreement provided there are no financial impacts.

12. Property Tax, Records and Election Services - Realigning a School District Boundary (B2020-138)

VOTING

Motion by: Victoria Reinhardt
Second by: Mary Jo McGuire

Commissioners	YES	NO	ABSENT	RECUSE
Carter, Toni	x			
Frethem, Nicole	x			
MatasCastillo, Trista	x			
McDonough, Jim	x			
McGuire, Mary Jo	x			
Ortega, Rafael	x			
Reinhardt, Victoria	x			

WHEREAS, Minnesota Statutes section 123A.455 allows Ramsey County residential property owners located in more than one school district to petition the County Auditor to place the entire property in one school district; and

WHEREAS, Before a property can be transferred to a different school district, the County Board must determine which school district the combined parcel will be located in; and

WHEREAS, The Department of Property Tax, Records and Election Services has received a request from Marc Adams to combine two parcels of residential property located in North Oaks, which property is currently located in two school districts; and

WHEREAS, Tax parcel 08.30.22.13.0023, 1.4652 acres, is located in White Bear Lake School District #624 and tax parcel 08.30.22.24.0034, 0.50 acres, is located in Mounds View School District #621; and

WHEREAS, from a resident's first perspective, great weight should be given to the stated preference of the property owner and the owner has requested that both properties be combined and placed in Mounds View School District #621; and

WHEREAS, After review of these factors, the County Auditor recommends that the two parcels be combined and the parcel assigned to the Mounds View School District #621; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners approves the combination of the parcels 08.30.22.13.0023 and 08.30.22.24.0034 into one new parcel to be transferred entirely to Mounds View School District #621.

- 14. Finance - March 2020 Report of Contracts, Grant and Revenue Agreements, Emergency Purchases, Sole Source, Single Source Purchases and Final Payments (B2020-139)

VOTING

Motion by: Victoria Reinhardt
Second by: Mary Jo McGuire

Commissioners	YES	NO	ABSENT	RECUSE
Carter, Toni	x			
Frethem, Nicole	x			
MatasCastillo, Trista	x			
McDonough, Jim	x			
McGuire, Mary Jo	x			
Ortega, Rafael	x			
Reinhardt, Victoria	x			

WHEREAS, Administrative Code 3.40.27 authorizes the County Manager to approve contract, within certain limits; and

WHEREAS, Administrative Code 3.40.33b-c authorizes the County Manager to approve emergency purchases and sole source purchases of supplies, equipment, and service, within certain limits; and

WHEREAS, Administrative Code 3.40.39d requires the County Manager to report grant submissions, amendments, renewals, and acceptances along with the monthly contract report; and

WHEREAS, Administrative Code 4.46.50c requires a monthly report on all contracts and final payments approved by the County Manager and County Purchasing Manager; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners accepts the monthly report of contracts, grant and revenue agreements, emergency purchases, sole source and single source purchases and final payments for the month of March 2020.

- 15. Finance - April 2020 Report of Contracts, Grant and Revenue Agreements, Emergency Purchases, Sole Source, Single Source Purchases and Final Payments (B2020-140)

VOTING

Motion by: Victoria Reinhardt
Second by: Mary Jo McGuire

Commissioners	YES	NO	ABSENT	RECUSE
Carter, Toni	x			
Frethem, Nicole	x			
MatasCastillo, Trista	x			
McDonough, Jim	x			
McGuire, Mary Jo	x			
Ortega, Rafael	x			
Reinhardt, Victoria	x			

WHEREAS, Administrative Code 3.40.27 authorizes the County Manager to approve contract, within certain limits; and

WHEREAS, Administrative Code 3.40.33b-c authorizes the County Manager to approve emergency purchases and sole source purchases of supplies, equipment, and service, within certain limits; and

WHEREAS, Administrative Code 3.40.39d requires the County Manager to report grant submissions, amendments, renewals, and acceptances along with the monthly contract report; and

WHEREAS, Administrative Code 4.46.50c requires a monthly report on all contracts and final payments approved by the County Manager and County Purchasing Manager; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners accepts the monthly report of contracts, grant and revenue agreements, emergency purchases, sole source and single source purchases and final payments for the month of April 2020.

- 6. Workforce Solutions - Joint Powers Agreement with the City of Saint Paul for Community CARES Career Labs (B2020-141).

Discussion can be found on archived video.

VOTING

Motion by: Victoria Reinhardt

Second by: Nicole Frethem

Commissioners	YES	NO	ABSENT	RECUSE
Carter, Toni	x			
Frethem, Nicole	x			
MatasCastillo, Trista	x			
McDonough, Jim	x			
McGuire, Mary Jo	x			
Ortega, Rafael	x			
Reinhardt, Victoria	x			

WHEREAS, On April 22, 2020, Ramsey County received \$96.027 million from the US Treasury through a formula-based allocation from the Coronavirus Aid, Relief, and Economic Security (CARES) Act; and

WHEREAS, COVID-19 has brought upon unprecedented economic impacts to Ramsey County residents. Since March 16, 2020, more than 85,000 residents have applied for unemployment insurance benefits, which represents 28.35% of our 2019 labor force; and

WHEREAS, As a response, one of the key workforce initiatives to mitigate the impacts of COVID-19 was to increase access to career and employment services throughout the county; and

WHEREAS, On May 28, 2020, Ramsey County Board of Commissioners approved allocating \$15 million from the CARES Act Funds for workforce assistance for residents who have been COVID impacted; and

WHEREAS, These include residents who have experienced job loss, reduction in hours, increased COVID risk due to health concerns, uncertainty in their future employment opportunity, or face increased barriers to employment as a result of the pandemic and its secondary affects; and

WHEREAS, Prior to COVID-19, Workforce Solutions and the Saint Paul Public Libraries began working more closely together with some county staff serving residents from the libraries; and

WHEREAS, As a part of Ramsey County's effort to ensure community access to workforce services, Workforce Solutions and Saint Paul Public Libraries will be partnering to open Community CARES Career Lab space at four libraries, Rondo Community Library, Rice Street Library, Dayton's Bluff Library and Sun Ray Library; and

WHEREAS, Services at the Career Labs include: Online job search tools and resources, Job search assistance, Career planning and assessment information, virtual job fairs and employer hiring information,

Information and referral to employment and training programs and Information and referral to CARES community providers; and

WHEREAS, Saint Paul Library staff will be redeployed and assigned to work as Career and Services Navigators; and

WHEREAS, There will be effective information sharing and program development between library, county, and community-based organizations as a result of the partnership; and

WHEREAS, As a part of the broader Community CARES Career Labs initiative additional Career Labs will be launched at the Ramsey County libraries in Maplewood and Roseville, the Ramsey County Government Center East and other community-based locations that are still being explored; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners approves the Joint Powers Agreement with the City of Saint Paul in partnership for Community CARES Career Labs for the period of July 7, 2020 through December 31, 2020; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes the Chair and Chief Clerk to execute the agreement.

7. Public Health - Joint Powers Agreement with the City of Saint Paul for the Healing Streets Project (B2020-142)

Discussion can be found on archived video.

VOTING

Motion by: Trista MatasCastillo

Second by: Jim McDonough

Commissioners	YES	NO	ABSENT	RECUSE
Carter, Toni	x			
Frethem, Nicole	x			
MatasCastillo, Trista	x			
McDonough, Jim	x			
McGuire, Mary Jo	x			
Ortega, Rafael	x			
Reinhardt, Victoria	x			

WHEREAS, In 2019, the City of Saint Paul had one of the deadliest years on record for homicides due to gun violence; and

WHEREAS, Saint Paul and Ramsey County are committed to working together to reduce gun violence and view gun violence as a public health crisis; and

WHEREAS, The Healing Streets Project is an initiative of Public Health and is a community-centered healing based approach to gun and group violence in Ramsey County; and

WHEREAS, Healing Streets Project takes a preventative, public health approach to addressing gun and group violence in communities rather than at an individual or law enforcement approach; and

WHEREAS, Healing Streets Project intervenes in gun violence through prevention by providing education and support to increase awareness of the impacts of gun and group violence; intervention by working with perpetrators or people at risk of perpetrating gun violence by providing post-incident support at hospitals, conflict mediation, and on-going support; and healing by providing grief groups specific to gun and group violence for victims, their families, and communities; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners approves the Joint Powers Agreement with the City of Saint Paul, 300 City Hall/Courthouse, 15 Kellogg Boulevard West, Saint Paul, Minnesota, 55102 for support of the Healing Streets initiative upon execution until terminated, in the amount of \$300,000; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes the Chair and Chief Clerk to execute the agreement.

- 13. Property Tax, Records and Election Services. Establish a Ballot Board (B2020-143)

Discussion can be found on archived video.

VOTING

Motion by: Victoria Reinhardt
 Second by: Mary Jo McGuire

Commissioners	YES	NO	ABSENT	RECUSE
Carter, Toni	x			
Frethem, Nicole	x			
MatasCastillo, Trista	x			
McDonough, Jim	x			
McGuire, Mary Jo	x			
Ortega, Rafael	x			
Reinhardt, Victoria	x			

WHEREAS, With the implementation of no-excuse absentee voting the number of voters choosing to vote by absentee ballot have increased significantly, and

WHEREAS, COVID-19 concerns are likely to greatly increase the use of absentee ballots in 2020; and

WHEREAS, In the past, some of the absentee ballot processing activities were handled by the cities, the increased volumes have shifted this work almost entirely to the county election office.

WHEREAS, The Ramsey County Board is required by Minnesota Statutes 203B.121 to establish an Absentee Ballot Board; and

WHEREAS, The Absentee Ballot Board will consist of a sufficient number of election judges or deputy county auditors trained in the processing and counting of absentee ballots; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners establishes the Ramsey County Ballot Board; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes the County Auditor to appoint members to serve on the Ramsey County Ballot Board with a sufficient number of election judges trained in the handling of absentee ballots or duly appointed deputy county auditors who have received training in the processing and counting of absentee ballots.

- 16. LEGISLATIVE UPDATE – Presented by Commissioner McGuire. Discussion can be found on archived video.

- 16. COUNTY CONNECTIONS – Presented by County Manager Ryan O’Connor. Discussion can be found on archived video.

BOARD CHAIR UPDATE – Discussion can be found on archived video.

OUTSIDE BOARD AND COMMITTEE REPORTS – Discussion can be found on archived video.

ADJOURNMENT – Chair Carter declared the meeting adjourned at 10:33 a.m.

STATE OF MINNESOTA
COUNTY OF RAMSEY

I, Christopher A. Samuel, Ramsey County Auditor, do hereby appoint
_____ Deputy Ramsey County Auditor between the
dates of January 10, 2020 through November 3, 2020 with the Ramsey County Elections
Office to conduct the duties specified below and to hold said appointment during my
pleasure.

Duties assigned related to voter registration
Duties assigned related to absentee voting

Given under my hand and official seal this _____ day of _____, 2020.

Ramsey County Auditor

STATE OF MINNESOTA
COUNTY OF RAMSEY

I, _____, do solemnly swear that I will support
the Constitution of the United States of America and of the State of Minnesota, and that I
will honestly and faithfully perform the duties of the office of Deputy Ramsey County
Auditor, to which I have been appointed, to the best of my knowledge and ability, so help
me God.

Subscribed and sworn to me this

_____ day of _____, 2020.
